

2004

# Calais Maine City Charter

Calais (Me.). City Government

Follow this and additional works at: <https://digitalcommons.library.umaine.edu/towndocs>

---

## Repository Citation

Calais (Me.). City Government, "Calais Maine City Charter" (2004). *Maine Town Documents*. 120.  
<https://digitalcommons.library.umaine.edu/towndocs/120>

This Plan is brought to you for free and open access by DigitalCommons@UMaine. It has been accepted for inclusion in Maine Town Documents by an authorized administrator of DigitalCommons@UMaine. For more information, please contact [um.library.technical.services@maine.edu](mailto:um.library.technical.services@maine.edu).

**CHARTER OF THE CITY OF CALAIS**  
**ARTICLE I**  
**POWERS OF THE CITY**

**1.01 Powers of the City**

The city shall have all powers possible for a municipality to have under the Constitution and laws of Maine.

**1.02 Construction**

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power stated in this Article.

**1.03 Intergovernmental Relations**

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or of the United States or any agency thereof. To the extent State law allows, the City may also engage in contracts or otherwise cooperate with civil divisions of Canada or agencies thereof.

## ARTICLE II THE CITY COUNCIL

### 2.01 Composition, Eligibility, Election, and Terms

- (a) **Composition:** There shall be a city council of six members nominated and elected by the qualified voters of the city at large, as provided in Article VI. [Changed to six members by April 7, 1986 amendment.]
- (b) **Eligibility:** Only qualified voters of the city as defined in Section 6.01 (b) who reside within the city limits shall be eligible to hold the office of councilor.
- (c) **Election and Terms:** Councilors shall be elected to serve staggered three year terms. At each regular municipal election, councilors shall be elected to fill the positions of those whose terms expire.

### 2.02 Compensation: Expenses

The council may determine the annual salary of councilors by ordinance, but no ordinance increasing such salary shall become effective until the date of the commencement of the terms of councilors elected at the next regular election, provided that each election follows the adoption of such ordinance by at least six months. Councilors shall receive their actual and necessary expenses incurred in the performance of their duties of office. The mayor shall receive a salary of twice the salary set for councilors.

### 2.03 Mayor

The mayor shall be elected by the qualified voters of the city at large. The mayor shall preside at meetings of the council, be entitled to vote on all questions and shall be recognized as head of city government for all ceremonial purposes, but shall have no administrative duties. The mayor shall serve for a term of two years or until a new mayor is elected and qualified at the next annual organization meeting. The mayor shall appoint the members of the council to such standing committees of the council as it may create and shall appoint the members of such ad hoc committees as the council may create. Appointments to standing committees shall be made by the mayor at the first regular meeting in November of each year, or as soon thereafter as practicable. Only qualified voters of the city as defined in Section 6.01 (b) who reside within the city limits shall be eligible to hold the office of mayor. The mayor is a member of the city council and a municipal officer of the city. [Changed to direct election by April 7, 1986 amendment.]

### 2.04 General Powers and Duties:

All powers of the city shall be vested in the council except as otherwise provided by law or this charter. The council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the municipality by law. The council shall be the municipal officers of the city.

### 2.05 Prohibitions on Holding Other Office

- (a) Except where clearly authorized by law, or pursuant to an agreement under the Interlocal

Cooperation Act, no councilor shall hold any other city or office or city employment during the term for which he or she was elected to the council, and no former councilor shall hold any compensated appointive city office or employment until one year after he or she shall have terminated office as councilor.

- (b) Any serving councilor who seeks election as mayor shall declare his or her candidacy in writing at least 60 days before the next regular municipal election in order that others may seek election to fill the council seat vacancy thus created. Such declaration shall serve to create the vacancy as of the date of the organization of the new council and the councilor filing the declaration of intent to run for mayor shall continue to serve as such until that date, regardless of whether he wins or loses the mayoral election. [Added by April 7, 1986, amendment]

## **Section 2.06 Appointments and Removals**

- (a) The following officers and officials are to be appointed and removed by the council: manager; city clerk; ~~city treasurer~~; welfare director; city solicitor; ~~controller~~; registrar of voters; and the person or firm performing the city audit. [Amended May 9, 1995; Effective July 1, 1995]
- (b) All other officers and officials are to be appointed by the manager subject to confirmation by the council and removed by city manager, including but not limited to: tax collector, chief of police, fire chief, superintendent of public works, building inspector, health officer, assessor, ~~welfare director~~, code enforcement officer, finance director, city treasurer and plumbing inspector. [Amended May 9, 1995; Effective July 1, 1995]
- (c) Appointed officers and officials shall serve until removed by the appointing authority.
- (d) Appointments and Removals: Neither the council nor any of its members shall in any manner dictate the appointment or removal of any city administrative officers or employees whom the manager or any of his or her subordinates are empowered to appoint. The council may express its views fully and freely discuss with the manager anything pertaining to appointment and removal of such officers and employees.
- (e) Interference with Administration: Except for the purpose of inquiries and investigations under Section 2.09, the council or its members shall deal with city officers who are subject to the direction and supervision of the manager solely through the manager, and neither the council nor its members shall give orders to any such employee, either publicly or privately.

## **2.07 Vacancies: Forfeiture of Office; Filling of Vacancies**

- (a) The office of councilor or mayor shall become vacant upon his or her nonacceptance, resignation, abandonment, death, permanent disability, permanent incompetency, failure to qualify for the office within 10 days after written demand by the Council, forfeiture of office or failure of the municipality to elect a person to the office.
- (b) Forfeiture of Office: A councilor or mayor shall forfeit his or her office if he or she:
  - (1) lacks at any time during his or her term of office any qualification for the office prescribed by this charter or by law;

- (2) violates any express prohibition of this charter;
  - (3) is convicted of a crime or offense which is reasonably related to his or her ability to serve as Councilor or mayor; or
  - (4) fails to attend three consecutive regular meetings of the Council without being excused by the Council.
- (c) **Filling of Vacancies:** The Council shall appoint a qualified person to fill any vacancy in the Council until a successor is elected and qualified. At the next general municipal election following such vacancy and appointment, a councilor shall be elected to fill the vacancy for the remainder of the unexpired term. In the event of a vacancy in the office of mayor, the council shall appoint a qualified person to fill the vacancy. At the next regular municipal election following such vacancy and appointment, a mayor shall be elected to fill the vacancy for the remainder of the unexpired term. [References to Mayor added in April 7, 1986, Amendment.]

## **2.08 Judge of Qualifications**

The council shall be the judge of the election and qualification by the voters under this charter and of the grounds for forfeiture of their office and for that purpose shall have the power to enact an ordinance providing for the compulsory attendance of witnesses, the administering of oaths, and the compulsory production of evidence. Any officers charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the municipality at least one week in advance of the hearing. Decisions made by the council under this section shall be subject to review by the courts.

## **2.09 Investigations**

The council may make investigations into the affairs of the city and the conduct of any city department, office or agency and for this purpose may enact an ordinance providing for the compulsory attendance of witnesses, the administering of oaths, the taking of testimony and the compulsory production of evidence.

## **2.10 Procedure**

- (a) **Meetings:** The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor, or of 3 or more members of the council by causing a notification to be given in hand or left at the usual dwelling place of each council member. If practicable, such notice shall be given not less than twelve hours before the special meeting and may be published in a paper having general circulation in the city. All meetings shall be public; except that the council may recess to executive session at anytime for the reason and purposes set forth in 1 M.R.S.A. section 405.
- (b) **Rules and Journal:** The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- (c) **Voting:** Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Four (4) members of the council shall constitute a quorum, but a

smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as provided elsewhere in the charter, and in Section 2.07 shall be binding or valid unless adopted by the affirmative vote of 3 or more members of the council.

## **2.11 Action Requiring an Ordinance**

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts or [of] council shall be by ordinance which:

- (1) Adopt or amend an administrative code, or establish, alter or abolish any city department, office or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Grant, renew or extend a franchise;
- (4) Regulate the rate charged for its services by a public utility;
- (5) Authorize the borrowing of money to be paid over a period in excess of two years; and
- (6) Amend, repeal, or re-enact any ordinance previously adopted.

Acts other than those referred to in the preceding sentence may be done either by ordinance, by order, or by resolution.

## **2.12 Ordinances in General**

- (a) **Form:** Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The City of Calais hereby ordains...". Any ordinance which repeals or amends an existing ordinance or part of the Calais Code shall set out in full the ordinance sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics.
- (b) **Procedures:** An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the clerk shall distribute a copy -to each council member and to the manager, shall file a reasonable number of copies in the office of the clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have a reasonable opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it; but, if it is amended as to any matter of substance, the

council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduced ordinance. As soon as practicable after adoption of any ordinance, the clerk shall have it published again together with a notice of its adoption.

- (c) **Effective Date:** Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.
- (d) **"Publish" Defined:** As used in this section the term "publish" means to print in one or more newspapers published in the city, or, if none, in a newspaper of general circulation in the city:
  - (1) the ordinance or a brief summary thereof, and
  - (2) the places where copies of it have been filed and the times when they are available for public inspection.

### 2.13 Emergency Ordinances

To meet a public emergency affecting life, health, property, or the public peace, the council may adopt one or more emergency ordinances; but said ordinances may not grant, renew or extend a franchise, regulate the rate charged by a public utility for its services, or authorize the borrowing of money except where any emergency notes or renewals thereof are paid within twenty-four months of the adoption of said ordinances. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least 4 members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall be effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one authorizing the issuance of emergency notes shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for ordinances.

### 2.14 Authentication and Recording; Codification; and Printing

- (a) **Authentication and Recording:** All ordinances and resolutions adopted by the council shall be authenticated by the signature of the clerk and recorded in full by the clerk in a properly indexed book kept for the purpose.
- (b) **Codification:** Within three years after adoption of this charter and at least every ten years thereafter, the council shall provide for the preparation of a general codification of all ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be printed promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Constitution and other laws of the State of Maine and such codes of technical regulations and other rules and regulations as the council may specify. Any codification ordinance may be published by title. This compilation shall be known and cited officially as the Calais City Code. Copies of the Code shall be furnished to officials, placed in libraries and public offices

for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

- (c) **Printing of Ordinances and Resolutions:** The council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices to be fixed by the council. Following publication of the first Calais City Code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the Constitution and other laws of the State of Maine, or the codes of technical regulations and other rules and regulations included in the code.
- (d) Ordinances passed pursuant to Section 2.11(5) need not be included in the printing of the City code.

#### **2.15 Duration of Ordinances**

- (a) **Automatic Repeal:** Every ordinance except as provided in sub-section (c) of this section shall stand automatically repealed 10 years from the date of its enactment. This shall not prevent re-enactment by the council prior to the date of automatic repeal.
- (b) **Re-enactment by Title:** For purposes of Section 2.12, an ordinance proposal for re-enactment need not be presented in full, either for distribution or for publication, where there is no amendment proposed. Such an ordinance proposed for re-enactment without amendment may be presented by title only.
- (c) **Exception:** Any ordinance which authorizes the borrowing of money which is to be repaid over a period in excess of two years shall not be subject to automatic repeal under 2.15 (a).



## **ARTICLE III THE CITY MANAGER**

### **3.01 Appointment; Qualifications; Compensation**

The council shall appoint a city manager for an indefinite term and fix his or her compensation. The manager shall be appointed solely on the basis of his or her executive and administrative qualifications. The manager need not be a resident of the city or state at the time of appointment, but may reside outside the city while in office only with the approval of the council. A manager who is not a resident of the city when hired will be allowed six (6) months to take up residency within the city limits from the date he or she assumes office. Said time period may be extended by the council for good cause shown.

### **3.02 Removal**

The council may remove the manager from office in accordance with the following procedures:

- (1) The council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.
- (2) Within 10 days after receiving a copy of the resolution, the manager may file with the council a written request for a public hearing. This hearing shall be held at a council meeting not earlier than 15 nor later than 30 days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing.
- (3) The council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of four members at any time, after 10 days from the date when a copy of the preliminary resolution was received by the manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.
- (4) The manager shall continue to receive a salary until the effective date of final resolution or removal.
- (5) The action of the council in suspending or removing the manager shall not be subject to review by any court.

### **3.03 Acting City Manager**

By letter filed with the City Clerk, the manager shall designate, subject to the approval of the council, a qualified person to exercise the powers and perform the duties of the manager during any temporary absence or disability. During such absence or disability, the council may revoke such designation at any time and appoint another person to serve until the manager shall return or the disability shall cease.

### **3.04 Powers and Duties of the City Manager**

The city manager shall be the chief administrative officer of the city. The manager shall be responsible to the council for the administration of all city affairs placed in his or her charge by or under this charter. The manager shall have the following powers and duties:

- (1) To appoint and, when he or she deems it necessary for the good of the service, suspend or remove all city employees and appointive administration officers provided for by or under this charter, except as otherwise provided by law, by this charter or personnel rules adopted pursuant to this charter. The manager may authorize any administrative officer who is subject to his or her directions and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- (2) To direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by the charter or by law.
- (3) To attend all council meetings and to take part in discussion but not to vote.
- (4) To see that all laws, provisions of the charter and acts of the council, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
- (5) To prepare and submit the annual budget, the annual capital program and annual financial and administrative reports to the council.
- (6) To prepare and submit to the council such reports and to perform such duties as the council may require and to make such recommendations to the council concerning the affairs of the city as he or she deems desirable.
- (7) To assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.

## **ARTICLE IV ADMINISTRATIVE ORGANIZATION**

### **Part 1. General Administration**

#### **4.01 General Provisions**

- (a) **Creation of Departments:** The council may establish city departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this charter to a particular department, office or agency may be discontinued or, unless this charter specifically so provides, assigned to any other.
- (b) **Direction by Manager:** Except as provided in Section 2.06 (b) above, all departments, offices and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of the council, the manager may serve as the head of one or more such departments, offices or agencies or may appoint one person as the head of two or more of them.

### **Part 2. Personnel Administration**

#### **4.11 Merit Principle**

All appointments and promotions of city officials and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence.

#### **4.12 Personnel Director**

The manager or a person appointed by him or her shall be designated personnel director. The personnel director shall administer the personnel system of the city.

#### **4.13 Personnel Rules**

The personnel director shall prepare personnel rules. When approved by the manager, the rules shall be proposed to the council, and the council may adopt them with or without amendment. These rules may provide for:

- (1) The classification of all city positions, based on the duties, authority and responsibility of each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances;
- (2) A pay plan for all city positions;
- (3) Methods of determining the merit and fitness of candidates for appointment or promotion;
- (4) The policies and procedures regulating reduction in force;

- (5) The policies governing disciplinary measures such as suspension, demotion, or discharge, with provisions for presentation of charges, hearing rights and appeals;
- (6) The hours of work, attendance regulations and provisions for sick and vacation leaves;
- (7) The policies and procedures governing persons holding provisional appointments;
- (8) The policies and procedures governing relationships with employee organizations, not inconsistent with law;
- (9) Policies regarding in-service training programs;
- (10) Grievance procedures, and;
- (11) Other practices and procedures necessary to the administration of the city personnel system.

### **Part 3. Assessment Administration**

#### **4.21 Assessor**

There shall be a single assessor appointed by the manager subject to confirmation by the council. The assessor shall perform all duties and responsibilities provided for assessors under general law. The hours and working conditions of the assessor shall be determined by the city manager. The assessor may be removed pursuant to Section 2.05 above, but only for good cause shown and after notice and hearing. Cause shall not include any disagreement with respect to an assessing practice employed by the assessor where such a practice is generally accepted and lawful.

#### **4.22 Board of Assessment Review**

The council shall establish, by ordinance, a board of assessment review.

### **Part 4. Legal**

#### **4.31 City Solicitor**

There shall be a City Solicitor appointed by the council who shall serve as chief legal advisor to the council, the manager and all city departments, boards, agencies and commissions. The City Solicitor may represent the city in legal proceedings and shall perform any other duties prescribed by ordinance and law. The council may employ other legal counsel from time to time when the council deems it necessary.

### **Part 5. School Administration**

#### **4.41 School Committee: Qualifications; Election and Term**

There shall be a city school committee of 5 members nominated and elected by the qualified voters of the city at large, as provided in Article VI. Only qualified voters of the city shall be eligible to hold the office of school committee-member. School committee-members shall be elected to serve staggered 3 year terms. At each

regular municipal election school committee-members shall be elected to fill the positions of those whose terms expire.

#### **4.42 Vacancy: Forfeiture of Office, Filling of Vacancies**

The office of school committee-members shall be deemed vacant or forfeit for the same reasons that the office of councilor shall be deemed vacant or forfeit, as provided in Sections 2.07 (a) and 2.07 (b), (1)-(3). The school committee shall appoint a qualified person to fill any vacancy in the school committee until a successor is elected and qualified pursuant to the following sentence. At the next general election a member shall be elected to fill the vacancy for the remainder of the unexpired term.

#### **4.43 Powers and Duties**

The school committee shall have all the powers and shall perform all the duties in regard to the care and management of the public schools of the city which are now conferred and imposed upon school committees by the laws of the state, except as otherwise provided in this charter. The school committee shall be head of the city education department and for financial purposes shall be governed by Article V.

#### **4.44 Determination of Chairperson**

Each year the chairperson of the school committee shall be selected by written ballot by a majority vote of the members of the school committee, said election to take place at the organizational meeting of the school committee or as soon thereafter as practicable. The Chairperson shall preside at all meetings of the school committee and shall have a vote as other members of the committee.

#### **4.45 Time of Organization**

The school committee shall meet and organize at 8 ~~7:00~~ o'clock p.m. on the first ~~business day in~~ Wednesday in November, next following the municipal election unless it is otherwise scheduled by unanimous vote of the committee held at the meeting next prior to the election. The members shall be sworn in by ~~a justice of the peace~~ a notary public or by the city clerk to the faithful discharge of their duties. A majority of the whole number elected and serving shall be a quorum for the transaction of business. A lesser number than a quorum may vote to adjourn the meeting if a quorum is not present. [Changed to November by April 7, 1986, - Amendment.)

(Amended on June 8, 2004)

## **ARTICLE V**

### **FINANCIAL PROCEDURES**

#### **5.01 Fiscal Year**

The fiscal year of the city shall be determined by the Council by ordinance. For the purposes of this charter a year may be more or less than twelve months.

#### **5.02 Submission of Budget and Budget Message**

The manager shall submit to the council a budget for the ensuing fiscal year and an accompanying message. Council may establish regulations necessary to carry out the purposes of this Article. The date for submission of the budget shall be determined by the council in conjunction with the determination of the fiscal year under 5.01 above.

#### **5.03 Budget Message**

The manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes, summarize the city's debt position and include such other material as the manager deems desirable.

#### **5.04 Budget**

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by this charter, shall be in such form as the manager deems desirable or the council may require. In organizing the budget the manager shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents: shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for the actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing: such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable and the proposed method of financing each such capital expenditure; and
- (3) Anticipated net surplus or deficit for the ensuing year of each utility owned or operated by the city and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

#### **5.05 Capital Program**

- (a) **Submission to Council:** The manager shall prepare and submit to the council annually a five-year capital program at a time requested by the council, or in the absence of such request at the time of submission of the regular budget.
- (b) **Contents:** This capital program shall include:
  - (1) A clear general summary of its contents;
  - (2) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
  - (3) Cost estimates, method of financing and recommended time schedules for each improvement; and
  - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

#### **5.06 Council Action on Budget**

- (a) **Notice and Hearing:** The council shall publish in one or more newspapers of general circulation in the city the general summary of the budget and a notice stating:
  - (1) The times and places where copies of the message and budget are available for inspection by the public, and
  - (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.
- (b) **Amendment Before Adoption:** After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.
- (c) **Temporary Appropriations for Current Expenses:** Before the annual appropriation resolve has been passed, the city council may make appropriations for current departmental expenses chargeable to the appropriations for the year, when passed, to an amount sufficient to cover the necessary expenses of the various units until the annual appropriation resolve is in force.

#### **5.07 Council Action on Capital Program**

- (a) **Notice and Hearing:** The council shall publish in one or more newspapers of general circulation in the city the general summary of the capital program and a notice stating:
  - (1) The times and places where copies of the capital program are available for inspection by the public, and
  - (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.
- (b) **Adoption:** The council by resolution shall adopt the capital program with or without amendment after the public hearing.

#### **5.08 Public Records**

Copies of the budget and the capital program, as soon as adopted, shall be public records and shall be published in the form in which it was adopted as directed in 5.06 and 5.07, and shall be made available to the public at suitable places in the city.

#### **5.09 Appropriations**

- (a) **Supplemental Appropriations.** If during the fiscal year the manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by resolve may make supplemental appropriations for the year up to the amount of such excess.
- (b) **Emergency Appropriations.** To meet a public emergency affecting life, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency order in accordance with the provisions of section 2.13. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency order authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (c) **Reduction of Appropriations.** If at any time during the fiscal year it appears probable to the manager that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action if it deems necessary to prevent or minimize any deficit and for that purpose it may by resolve reduce one or more appropriations.
- (d) **Limitations; Effective Date.** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplements and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

#### **5.10 Administration of Budget**

Money shall be paid out only on warrants on the city treasury issued by the ~~controller~~ finance director and counter-signed by the city manager and a member of the city council to be designated from time to time by said



city council. The city ~~controller~~ finance director shall examine all payrolls, bills and other claims and demands against the city, and shall issue no warrant for payment until he or she finds that the claim is in proper form, correctly computed, duly certified and legally due and payable. [Amended May 9, 1995; Effective July 1, 1995]

The ~~controller~~ finance director may require any claimant to make oath to the validity of his claim, and investigate any claim, and for each purpose or purposes may examine witnesses under oath. [Amended May 9, 1995; Effective July 1, 1995]

#### 5.11 Special Accounts and Borrowing Procedures

- (a) **Reserve Account.** The city council shall establish a reserve fund from which transfer shall be made only by vote of the city council and no transfer of any money shall be made from the fund until the end of the fiscal year. The balance in such reserve fund shall at no time exceed one mill of taxation based on the amount constituting one mill for the current year in which the amount is established.

At the end of the fiscal year after all warrants have been paid out of the various funds against which such warrants have been drawn, the treasurer shall transfer to the reserve fund any balance or balances that remains in the various other funds except balances in the Education Account, Capital Account, and other non-appointed accounts. The council may then authorize a transfer from the reserve fund account to any other account in which there is an overdraft.

The city council shall then transfer to surplus that amount which exceeds the authorized amount in the reserve fund.

- (b) **Sinking Fund.** Sinking funds, if required, will be established in accordance with Maine Revised Statutes as amended.
- (c) **Borrowing.** The borrowing of money by and for the city shall be limited by the provisions of this charter and Maine Revised Statutes as amended.
  - (1) **Bond Issues.** Money may be borrowed by the issue and sale of bonds pledged on the credit of the city the proceeds to be used for the payment of the indebtedness of the city contracted for acquisition of land, the construction of buildings, the purchase of equipment, the construction of roads and streets and other permanent public improvements, and the payment or refunding of bonds previously issued. Every issue of bonds shall be payable by installment with interest at least annually until the debt is extinguished and within a fixed term of years; if such bonds are issued in payment of indebtedness incurred for a permanent improvement, the term of such bond shall not exceed the estimated period of utility of said improvement but the declaration of the city council embodied in the order authorizing the issue shall be a conclusive determination of the estimated utility thereof; and the term within which all bonds shall be made payable shall in no case exceed forty years. Every order for the issue of bonds shall provide for a tax levy for each year of an amount necessary to meet the payment of the annual serial installment of the principal and interest; and such

amount shall be included in the tax levy for each year until the debt is extinguished. Bond issues in existence prior to passage of this charter shall remain in force and provisions for repayment shall be in accordance with the laws and regulations in existence at the time of the finalization of the bond issue. The foregoing shall not limit the authority of the City to issue revenue bonds from time to time as may be authorized by the Maine Revised Statutes.

- (2) **Notes.** Money may be borrowed by the issuance of notes pledged on the credit of the city of Calais the proceeds to be used for the payment of indebtedness of the city contracted for the acquisition of land, the construction of buildings, the purchase of equipment and supplies, the purchase of services, the construction of streets and roads and other permanent public improvements and the payment or refunding of notes and certificates of indebtedness previously issued.

Every note issued in payment of indebtedness incurred for a permanent improvement or purchase of major item of equipment shall be repaid on such terms as shall not exceed the estimated period of utility of the said improvement or item of equipment.

Notes issued shall be payable in equal, annual serial installments as pertains to principal, and interest shall be made payable at least annually. The preceding sentence shall not prevent the prepayment of such notes in whole or in part at any time. There shall be a tax levy each year to provide for payment of the annual serial installment of principal and interest and such amount shall be included in the tax levy for each year until the debt is extinguished. Notes in existence prior to passage of this charter shall remain in force and provisions for repayment shall be in accordance with the laws and regulations in existence at the time of the finalization of the note or notes.

- (3) **Temporary Loans.** Money may be borrowed in anticipation of tax receipts or Revenue Sharing receipts during any fiscal year after said fiscal year begins but the aggregate amount of such loans outstanding at any one time shall not exceed 80% of the revenue received for taxes during the preceding fiscal year. All such loans shall be paid within the fiscal year out of receipts for the fiscal year in which said loans were made.

Money may be borrowed in anticipation of money to be received from the sale of bonds to be issued provided such bonds have been legally authorized. All such loans shall be paid in full at the time the bond issue proceeds are received.

This section shall in no way limit the power granted to towns and cities to borrow money as contained in the Maine Revised Statutes as amended and acts amendatory thereof. The amount borrowed in anticipation of Revenue Sharing receipts shall not exceed 80% of the amount of Revenue Sharing entitlements projected by the paying units of government for the current period of entitlement. Money borrowed in anticipation of tax receipts must be repaid with tax receipts and money borrowed in anticipation of Revenue Sharing receipts must be repaid with Revenue Sharing receipts.

- (d) **Capital Improvement Reserve.** The city council may from time to time establish reserve funds and provide for the investment of such funds for future use. Such established reserve funds shall be designated for a specific capital improvement project, purchase of equipment or permanent public improvements and shall terminate when the need for which established shall no longer exist. If a reserve fund established for these purposes is terminated the accumulated funds shall be applied to the budget as a receipt for the tax year following the year in which the reserve fund was terminated. If the reserve fund is terminated prior to the annual budget, the proceeds of the particular reserve fund will be applied as income to the budget in order to reduce the tax levy for that year.

#### **5.12 Annual Post-Audit**

Council shall each year appoint a qualified public accountant or agency for purpose of conducting the annual post-audit of the prior fiscal year municipal finances, as authorized by law.

#### **5.13 Limit on Borrowing**

~~The Council may not borrow more than 25% of the unencumbered debt limitations set by the Maine Constitution and the Maine Revised Statutes without first submitting the proposal for approval of the voters pursuant to Article VI of this charter.~~ During any fiscal year the Council may not borrow a sum greater than 25% of the unencumbered debt limitation of the City without first submitting a proposal for approval by the voters, pursuant to the provisions of this Charter. For purposes of this section, the unencumbered debt limitation shall be defined to be that amount which the City is authorized to borrow under the general provisions of Maine law, as of the first day of the fiscal year, reduced by the amount of actual bonded indebtedness outstanding as of that date. To the extent that the limitation of indebtedness is numerated by project class, such as sewer service or enterprise funds, then this provision shall be applied separately with regard to each such classification. (Amended on June 8, 2004)

## ARTICLE VI NOMINATIONS AND ELECTIONS

### 6.01 City Elections

- (a) **Regular elections.** The regular city election shall be held on the first Tuesday in November in each year. [Changed to November by April 7, 1986, Amendment.]
- (b) **Qualified Voters.** All citizens qualified by the Constitution and laws of the State of Maine to vote in the city and who satisfy the requirements for registration prescribed by law shall be qualified voters of the city within the meaning of this charter.
- (c) **Conduct of Elections.** Except as otherwise provided by this charter, the provision of the general election laws of the State of Maine shall apply to elections held under this charter. All elections provided for by the charter shall be conducted by the election authorities established by law. For the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud, the council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this charter.
- (d) **Designation of Precincts.** No later than sixty days preceding the annual election, the city council may designate that voting in the annual election next following the upcoming election shall be done by precincts, shall establish the precincts, and shall direct the city clerk to provide on the ballot for the upcoming election for the election of one warden and one ward clerk for each precinct so established. Wardens and ward clerks shall be elected at large but each candidate shall designate for which precinct he or she chooses to run and that designation will be set out on the ballot.

### 6.02 Nomination of Candidates to be by Petition

The nomination of all candidates for elective offices provided for by this charter shall be by petition. The petition of candidates for warden and ward clerk shall be signed by not less than 10 nor more than 30 qualified voters. The petition of each candidate for member of city council, mayor, and member of the school committee shall be signed by not less than 25 nor more than 50 qualified voters of the city. No voter shall sign petitions for more than one candidate for each office to be filled at the election. If any voters should do so, his or her signature shall be counted only upon the first petition filed and shall be void upon all other petitions. [Reference to Mayor added by April 7, 1986, Amendment.]

### 6.03 Form of Petition and Filing

- (a) The signatures to nomination papers need not all be affixed to one petition, but to each separate petition there shall be attached an affidavit of the circulator thereof stating the number of signers on each petition and that each signature appended thereto was made in his or her presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number of the street or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

"To the City Clerk of the City of Calais. We, the undersigned voters of the City of Calais, hereby nominate

\_\_\_\_\_ whose residence is \_\_\_\_\_ for the office of \_\_\_\_\_ to  
be voted for at the election to be held in the City of Calais on the \_\_\_\_\_ day of \_\_\_\_\_ 19  
\_ and we individually certify that we are qualified to vote for a candidate for the above office and that we have  
not signed more nomination petitions of candidates for this office than there are persons to elected thereto.

Name \_\_\_\_\_ Street and Number \_\_\_\_\_ being duly sworn deposes  
and says that he or she is the circulator of the foregoing nominating petition containing \_\_\_\_\_  
\_\_\_\_\_ signatures and that the signatures appended thereto were made in his or her presence and are  
the signatures of the persons whose names they purport to be.

Subscribed and sworn to before me, this \_\_\_\_\_ day of 19\_\_.

\_\_\_\_\_  
Justice of the Peace  
Notary Public

The City Clerk shall forthwith notify by mail \_\_\_\_\_ at No. \_\_\_\_\_  
\_St." if this petition deems insufficient.

#### CONSENT

I, - \_\_\_\_\_ hereby accept this nomination.

\_\_\_\_\_  
Signature of Candidate

subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_

\_\_\_\_\_  
Justice of the Peace  
Notary Public

- (b) The nomination petition for any one candidate shall be assembled and united into one petition and filed with the city clerk not earlier than 60 days before the election and not later than 12 noon, 45 days prior to the election. No nomination shall be valid unless at the time of the filing of the nomination petition the candidate shall file with the city clerk in writing his or her consent under oath accepting the nomination. The candidate need sign the consent on only one nomination petition. [Filing time changed by November 8, 1988, Amendment.]
- (c) **Procedure After Filing Nomination Petitions:** within three days after the filing of a nomination petition, the clerk shall notify the candidate and the person who filed the petition whether or not it satisfies the requirements prescribed by this charter. If a petition is found insufficient, the clerk shall return it immediately to the person who filed it with a statement certifying wherein it is found insufficient. Within the regular time for filing petitions such a petition may be amended and filed again as a new petition or a different petition may be filed for the same candidate. The clerk shall keep on file all petitions found sufficient at least until the expiration of the term for which the candidates are nominated in those petitions.

- (d) **List of candidates to be certified.** The city clerk shall certify a list of candidates and shall publish as defined in Section 2.12 (d) the names, residences and offices to which nominated of the candidates who have duly filed the above described petition and acceptances.

#### 6.04 Preparation of Ballots

- (a) **Names.** The name and residence of each candidate shall be given. On a date to be designated by the city clerk but no later than 40 days and no earlier than 42 days prior to the election, the city clerk shall determine, by lot, the order that said candidates' names shall appear on the ballot; provided the proceedings shall be public and the candidates shall be given an opportunity to be present. [Dates changed by November 8, 1988, Amendment.]
- (b) **Ballot Form.** Specimen ballots and official ballots for use in all city elections shall be prepared by the city clerk at the expense of the city.

The ballot shall be without party marks or designation. Names shall be placed upon said ballot in the order determined by lot under title of the office to be filled. At the right of each name shall be a square within which the voters shall place a cross (X) or check (✓) to designate his or her choice. A blank space shall be left at the end of the list of candidates for each office in which the voters may insert the name of any person not printed on the ballot for whom he or she desires to vote.

- (c) The official ballot prescribed for use in general municipal elections shall be modified to contain a place for voting for the office of Mayor with sufficient lines to list all candidates for the office and an additional line for a write-in candidate. [Paragraph (c) added by April 7, 1986, Amendment.]

(Back of the Ballot)  
"OFFICIAL BALLOT"

(Face of the Ballot)

To vote for a candidate mark a cross (X) or a check (✓) in the square at the right of the candidate's name and residence.

If you wrongly mark, tear or deface the ballot, return it and obtain another.

FOR MEMBERS OF CITY COUNCIL	Vote for
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____
21. _____	_____
22. _____	_____
23. _____	_____
24. _____	_____
25. _____	_____
26. _____	_____
27. _____	_____
28. _____	_____
29. _____	_____
30. _____	_____
31. _____	_____
32. _____	_____
33. _____	_____
34. _____	_____
35. _____	_____
36. _____	_____
37. _____	_____
38. _____	_____
39. _____	_____
40. _____	_____
41. _____	_____
42. _____	_____
43. _____	_____
44. _____	_____
45. _____	_____
46. _____	_____
47. _____	_____
48. _____	_____
49. _____	_____
50. _____	_____
51. _____	_____
52. _____	_____
53. _____	_____
54. _____	_____
55. _____	_____
56. _____	_____
57. _____	_____
58. _____	_____
59. _____	_____
60. _____	_____
61. _____	_____
62. _____	_____
63. _____	_____
64. _____	_____
65. _____	_____
66. _____	_____
67. _____	_____
68. _____	_____
69. _____	_____
70. _____	_____
71. _____	_____
72. _____	_____
73. _____	_____
74. _____	_____
75. _____	_____
76. _____	_____
77. _____	_____
78. _____	_____
79. _____	_____
80. _____	_____
81. _____	_____
82. _____	_____
83. _____	_____
84. _____	_____
85. _____	_____
86. _____	_____
87. _____	_____
88. _____	_____
89. _____	_____
90. _____	_____
91. _____	_____
92. _____	_____
93. _____	_____
94. _____	_____
95. _____	_____
96. _____	_____
97. _____	_____
98. _____	_____
99. _____	_____
100. _____	_____

Name of Candidate	Residence
-------------------	-----------

**FOR SUPERINTENDING SCHOOL COMMITTEE** **Vote for**

Name of Candidate	Residence
-------------------	-----------

FOR WARDEN (Precinct #)	Vote for
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	
33	
34	
35	
36	
37	
38	
39	
40	
41	
42	
43	
44	
45	
46	
47	
48	
49	
50	
51	
52	
53	
54	
55	
56	
57	
58	
59	
60	
61	
62	
63	
64	
65	
66	
67	
68	
69	
70	
71	
72	
73	
74	
75	
76	
77	
78	
79	
80	
81	
82	
83	
84	
85	
86	
87	
88	
89	
90	
91	
92	
93	
94	
95	
96	
97	
98	
99	
100	

Name of Candidate	Residence
-------------------	-----------

**FOR WARDEN CLERK (Precinct #)** \_\_\_\_\_ **Vote for** \_\_\_\_\_

Name of Candidate	Residence
-------------------	-----------

Mark a cross (X) or check (✓) in the square at the right of your answer.

Shall \_\_\_\_\_ Yes  
 \_\_\_\_\_ No

#### **6.05 Determination of Election Results**

- (a) **Number of Votes:** Every voter shall be entitled to vote for as many candidates as there are vacancies to be filled.
- (b) **Plurality:** Elections shall be determined by plurality vote. In case of a tie, the election shall be decided by lot in the presence of the candidates concerned or their agents and under the direction of the city council.

#### **6.06 Preparations for Central Count**

**Counting of Ballots.** As soon as the polls are closed, the election officials shall count the ballots under the supervision of the warden. The ballots shall be counted publicly so that those present may observe the proceedings. The ward clerk shall make a fair record on a tally sheet provided by the city clerk of the list of persons voted for with the number of votes for each person. The warden shall declare the results publicly at the voting place.

After completing the tally sheet the warden shall lock the ballot box and shall present it and the tally sheet to a constable who shall deliver the ballot box and the tally sheet to the city clerk. The city clerk shall open the ballot box in the presence of the city council who shall examine and tabulate the ballots. The number of ballots in each box shall be recorded and compared with the tally sheets sent from the corresponding voting places. The records thus compared shall be made available to the public with notations explaining any corrections made therein.

#### **6.07 Ballots for Ordinances**

An ordinance to be voted on pursuant to Article VII shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described ordinance be adopted?" Immediately below such questions shall appear in the following order, the words "yes" and "no" and to the left of each square in which the voter may cast his or her vote.

#### **6.08 Voting Machines**

The council may provide for the use of mechanical or other devices for voting or counting the votes not inconsistent with law.

#### **6.09 Removal of Elected Official**

- (a) **Petition.** The procedure to effect the removal of a member of the school board or a member of the city council or the Mayor shall be as follows: A petition signed by voters entitled to vote for a successor to the incumbent, equal in number to at least 15% total number of qualified voters registered to vote at the last regular city election demanding an election of a successor of the person to be removed, shall be filed with the city clerk; provided that the petition sent to the council shall contain a general statement on the grounds for which the removal is sought. [Removal of Mayor added by April 7, 1986, Amendment.]



The signatures to the paper need not all be appended to one paper, but each signer shall add to his or her signature his or her place of residence, giving the street and number. Any person competent to make affidavit may circulate such petition. The person circulating each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. within 10 days from the date of filing such petition the city clerk shall examine the register and therefrom ascertain whether or not said petition is signed by the requisite number of qualified voters; and, if necessary, the council shall allow the clerk extra help for that purpose; and the clerk shall attach to said petition his or her certificate showing the result of said examination.

If a petition is found to be insufficient the clerk shall return it immediately to the person who filed it with a copy of the certificate. Within 10 days of receipt of the petition and clerk's certificate such petition may be amended and filed again as a new petition.

If the petition shall be found to be sufficient, the clerk shall submit the same to the council without delay; and thereupon the city council shall order and fix a date for holding said election, not less than 30 days nor more than 40 days from the date of the clerk's certificate to the council that a sufficient petition is filed.

- (b) **Election.** The city council shall make or cause to be made publication of notice, and all arrangements for holding of such election; and the same shall be conducted, returned and the result thereof declared, in all respects, as are other elections. The successor of any officer so removed shall hold office during the unexpired term of his or her predecessor. Any person sought to be removed may be a candidate to succeed himself or herself and unless he or she requests otherwise in writing, the clerk shall place his or her name on the official ballot without nomination. In any such election the candidate receiving the highest number of votes shall be declared elected.
- (c) **Results of Election.** At such election, if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of the successor. In case the party who receives the highest number of votes should fail to qualify within 10 days after receiving notification of election, the office shall be deemed vacant. If the incumbent receives the highest number of votes he or she shall continue in office.

#### **6.10 Ballots for Approval of Borrowing Policy**

A proposal by the Council to exceed the borrowing authority defined in Paragraph 5.13 of this Charter shall be presented for voting by ballot title. The ballot title of such a proposal shall consist of a clear, concise statement of the borrowing authority sought by the Council including the amount and purpose of the proposed bond issue. Below the ballot title shall appear the following question: Shall the Council have the authority to bond the City as described above? Immediately below such question shall appear in the following order, the words "yes" and "no" and to the left of each a square in which the voter may cast his or her vote.

### **ARTICLE VII**

#### **INITIATIVE AND REFERENDUM**

## 7.01 General Authority

- (a) **Initiative:** The qualified voters shall have power to propose ordinances to the council and, if the council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at an election, provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of officers or employees.
- (b) **Referendum:** The qualified voters of the city shall have power to require reconsideration by the council of any adopted ordinance and, if the council fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes, or salaries of officers or employees.

## 7.02 Commencement of Proceedings, Petitioners' Committee: Affidavit

Any five qualified voters may commence initiative or referendum proceedings by filing with the clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and street addresses and specifying the mailing address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Promptly after the affidavit of the petitioners' committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee.

## 7.03 Petitions

- (a) **Number of Signatures:** Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least 15% of the total number of qualified voters registered to vote at the last regular city election.
- (b) **Form and Content:** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the street address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) **Affidavit of Circular:** Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) **Time for Filing Referendum Petitions:** Referendum petitions must be filed within 30 days after adoption by the council of the ordinance sought to be reconsidered.

#### **7.04 Procedures After Filing**

- (a) **Certificate of Clerk; Amendment:** Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice or intention to amend it with the clerk within two days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of section 7.03, and within five days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request council review under subsection (b) of this section within the time required, the clerk shall promptly present his certificate to the council and the certificate shall then be a final determination as to the sufficiency of the petition.
- (b) **Council Review:** If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the council. The council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the council's determination shall then be a final determination as to the sufficiency of the petition.
- (c) **Court Review; New Petition:** A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

#### **7.05 Referendum Petitions: Suspension of Effect of Ordinance**

When a referendum petition is filed with the city clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The council repeals the ordinance, or
- (4) Thirty days have elapsed after a vote of the city on the ordinance.

#### **7.06 Action on Petitions**

- (a) **Action by Council:** When an initiative or referendum petition has been finally determined sufficient, the council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal. If the council fails to adopt a proposed initiative

ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters.

- (b) **Submission to Voters:** The vote on a proposed or referred ordinance shall be held not less than 30 days and not later than 90 days from the date of the final council vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the council shall provide for a special election. Otherwise, the vote shall be held at the same time as such regular election, except that the council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (c) **Withdrawal of Petitions:** An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the voters by filing with the clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request the petition shall have no further force or effect and all proceedings thereon shall be terminated.

#### **7.07 Results of Election**

- (a) **Initiative:** If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (b) **Referendum:** If a majority of the qualified electors voting on a referendum ordinance vote against it, it shall be considered repealed upon certification of the election results.

## ARTICLE VIII

### GENERAL PROVISIONS

#### 8.01 Elected Officers; Terms

~~The term of any person elected to office shall begin the first business day of the week next following the municipal election. Any such person shall serve for his prescribed term or until his successor is elected and qualified. [First sentence changed by April 7, 1986, Amendment.]~~ The term of any councilor shall commence on the second business day following a municipal election, except should the City Clerk certify that the results of an election are in dispute. Then the seating of member is dispute shall be suspended until the election is final., in accordance with law. The term of any person shall continue until his or her successor is qualified, except as otherwise provided by law.

#### 8.02 Residence Requirement

The city manager and heads of all departments, agencies, and offices must reside within the city limits with the exception of the person or firm performing the city audit, the tax assessor, and the city solicitor. For good cause shown the council may suspend operation of this provision with respect to any person.

#### 8.03 Swearing in Officers

Every person elected to office and every person with an office of public trust shall be sworn to the faithful discharge of the duties incumbent upon him or her according to the Constitution and laws of the State of Maine and the charter and ordinances of the city, and shall be sworn to support the **Constitution of the United States** and the **Constitution of the State of Maine**.

#### 8.04 Personal Financial Interest

**30 M.R.S.A. 2251** as it may be amended from time to time shall govern in determining whether any public official or employee has a conflict of interest with regard to any municipal action. Notwithstanding this statement, any member of any council, committee, board or commission may abstain if he or she feels that this is appropriate based on the perception of a conflict of interest. (Amended June 8, 2004)

#### 8.05 Prohibitions

(a) **Activities Prohibited:**

- (1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office because of race, sex, political or religious opinions or affiliations.
- (2) No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification or appointment under the personnel provisions of this charter or the rules and regulations made thereunder, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.

- (3) No person shall, directly or indirectly, give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion, or proposed promotion to, or any advantage in, a position in the municipal service.
  - (4) No person who holds a compensated appointive city position shall solicit any assessments, contributions, or services for any political party from any employee in the municipal service.
  - (5) Nothing herein contained shall affect the right of any person to hold membership in, and support, a political party, to vote as he or she chooses, to express privately and publicly his or her opinion on all political subjects and candidates, to maintain political neutrality, and to attend political meetings.
- (b) **Penalties:** The council shall enact an ordinance prescribing penalties for the above. Any person found in violation of this section or any ordinance enacted pursuant to this section by a court of competent jurisdiction or by the council acting in judicial capacity shall be ineligible for a period of five years thereafter to hold any city office or employment and shall immediately forfeit his office or position.

#### **8.06 Separability**

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby.  
If the application of the charter or any of its provisions to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.